

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

MISC. *3:05-mc-267*

FILED  
CHARLOTTE, N. C.

JUN 17 2005

**IN THE MATTER OF :**

**DISTRIBUTION OF STATE :**

**DEATH PENALTY CASES**

**AND FEDERAL CAPITAL CASES**

**ORDER**

U. S. DISTRICT COURT  
W. DIST. OF N. C.

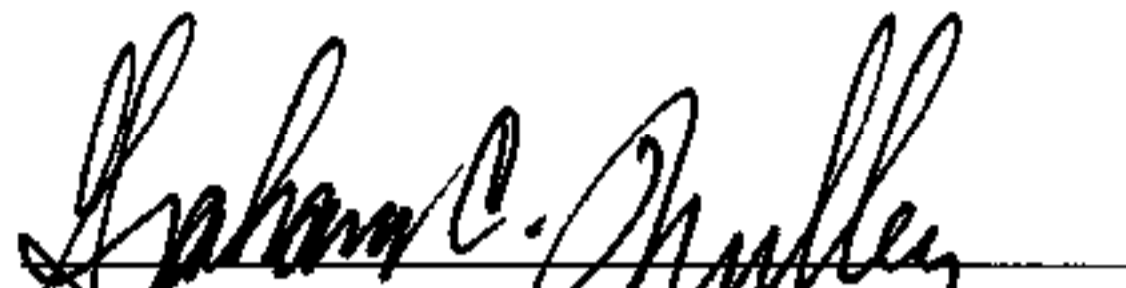
The following case assignment and case reassignment allocations will be applied throughout the district, with no consideration given to the division in which a particular death penalty case may have been filed. Unless specifically stated otherwise, these case assignment and case reassignment allocations are effective with the date of this Order and shall supercede all other prior orders of this Court pertaining to death penalty and federal capital cases.


1. All cases will be assigned among the active District Court Judges on an alternating basis between Judge Mullen, Judge Voorhees, Judge Conrad and Judge Thornburg, regardless of the division in which the case is filed or originated.
2. Case assignments will be adjusted from time to time by the chief judge and the other judges involved based on the particular circumstances of a given case, or the relative death penalty caseloads then being worked by all judges in the district. This assignment may be without resort to divisions of origin if the relative number of cases held by the several judges is uneven.
3. Any §2255 petition arising from a federal capital case tried by a judge of the district will go to that judge. Any §2255 petition arising from a case tried by Senior Judge Potter or Judge McKnight will go to Judge Mullen, Judge Voorhees, Judge Conrad and Judge Thornburg by random distribution.
4. Judge Thornburg will not be assigned any case in which he has a conflict by virtue of his service as North Carolina Attorney General. Judge Conrad will not be assigned any case in which he has a conflict by virtue of his service as the United States Attorney.


5. In cases of conflict of interest or other reason why a judge should not be assigned a given case, assignment will be by random assignment among the other judges of the district taking death penalty cases.


The Clerk is directed to serve copies of this Order to all District Court Judges, all Magistrate Judges, the United States Attorney, the Chief United States Probation Officer, the United States Marshall, all deputy clerks and all court reporters.

IT IS SO ORDERED, this 16th day of June 2005.

  
Graham C. Mullen, Chief  
United States District Judge

  
Richard L. Voorhees  
United States District Judge

  
Lacy H. Thornburg  
United States District Judge

  
Robert J. Conrad, Jr.  
United States District Judge